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 7 **UNITED STATES BANKRUPTCY COURT**
 8 **DISTRICT NEVADA**

10 IN RE: SCHULTE PROPERTIES, LLC	CASE: 17-12883-mkn
11 DEBTOR	CHAPTER 11
12	Hearing Date: August 30, 2017
13	Hearing Time: 9:30 am
14	Estimated Time for Hearing: 15

15 MOTION TO ASSUME EXECUTORY CONTRACT FOR PROPERTY MANAGEMENT
 16 SERVICES BETWEEN SCHULTE PROPERTIES LLC AND THRIVE PROPERTY
 17 MANAGEMENT AND INVESTMENTS INC PURSUANT TO 11 U.S.C. § 365

18 **NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

19 Pursuant to LR 9014.1, the court will consider this motion, objection, or other matter
 20 without further notice of hearing unless a party in interest files an objection within twenty-one
 21 (21) days from the date of service of this paper. If you object to the relief requested in this paper,
 22 you may file your objection at the bankruptcy clerk's office located in Las Vegas at the United
 23 States Bankruptcy Court, 300 Las Vegas Blvd. South, Las Vegas, Nevada 89101, and serve a
 24 copy on the movant's attorney and any other appropriate persons.

25 The objecting party has a duty to timely set the objection for a hearing and properly notice
 26 all parties in interest. If you do not file an objection within the time permitted, then:

- 27 • The court may refuse to allow you to speak at the scheduled hearing; and
- The court may rule against you without formally calling the matter at the hearing; and
- An order granting the requested relief may be entered by the court without further notice or hearing.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Debtor, Schulte Properties LLC, moves this court for an order authorizing the assumption of the executory contracts between Debtor and the property manager, Thrive Property Management and Investments Inc (“Thrive”). As grounds for the assumption, Debtor states:

1. This case was commenced on May 31, 2017 by a voluntary petition for relief under chapter 11 of title 11 of the United States Code.
2. Schulte Properties LLC is the debtor in possession.
3. Melani Schulte is the sole member of Schulte Properties LLC. Melani Schulte is the prior owner and Schulte Properties LLC is the current owner of the real property listed in this Bankruptcy.
4. Melani Schulte is also the sole owner of Thrive.
5. Melani Schulte as the agent of Thrive is a licensed real estate broker / sales person [License BS.0144173] and permitted property manager [Permit PM.0166177] with the Nevada Real Estate Division.¹
6. Melani Schulte and Thrive have been managing the property since the properties listed in the bankruptcy since 2013.
7. No prior motion for assumption of this contract has been filed and no plan has been confirmed.
8. Pursuant to 11 U.S.C. section 365, debtor asks the Court to permit the debtor to assume the executory contracts between Schulte Properties and Thrive Property Management and Investments Inc. The terms of the contracts are the same for all the properties and are as

¹ Available at: License Lookup - Nevada Real Estate Division Online Services, <https://red.prod.secure.nv.gov/Lookup/LicenseLookup.aspx> (last visited July 26, 2017).

1 follows:

2 a. The initial term expires on May 31, 2018 and is subject to automatic renewal; and

3 b. The manager is compensated by an amount equal to 50 percent of the first full

4 months rent; and \$200 per lease fee; and

5 c. The real estate agent who finds the tenant is paid a finder's fee (generally \$200).

6 9. The assumption of these executory contracts is in the best interest of the estate.

7 10. Copies of the executory contracts have already been provided to the Office of the US

8 Trustee and are available upon request.

9

10 **Applicable Legal Standards**

11 Section 365 governs the treatment of executory contracts and unexpired leases. Subject

12 to bankruptcy court approval, a debtor-in-possession may assume or reject an executory contract

13 or unexpired lease of the debtor. See 11 U.S.C. § 365(a).² Moreover, the trustee may assume or

14 reject an unexpired lease of residential real property at any time before the confirmation of the

15 plan. See 11 U.S.C. § 365(d)(2).

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17 In this case, a plan has not yet been confirmed and the court has jurisdiction to approve

18 the assumption of the unexpired lease.

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27 ² While Section 365 refers to the rights and obligations of a bankruptcy trustee, a Chapter 11 debtor-in-possession

28 has the same rights and obligations, with exceptions not applicable to this case, under Section 1107(a).

Conclusion

WHEREFORE, debtor prays for an order from the Court authorizing and approving the assumption of the executory contracts between Debtor and the property manager, Thrive Property Management and Investments Inc.

Dated: 26 July 2017

St. Louis

AMBERLEA DAVIS
Proposed Counsel for Debtor
NV Bar #11551

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 7 **UNITED STATES BANKRUPTCY COURT**
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11 DEBTOR

12 CHAPTER 11

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 14 Hearing Time: 9:30 am
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15 **Certificate of Service**

16 On July 26, 2017, I served the above documents listed as

17

18 • Motion to Assume Unexpired Lease between Schulte Properties LLC and
 19 Tenants for Residential Property at «PROPERTY_ADDRESS_1_Line» Pursuant
 to 11 U.S.C § 365; and
 20 • Notice of Hearing on Motion and Opportunity to Object

21 were served by the following means to on the persons listed below:

22 1. Via ECF System:

23

24 Amberlea Davis on behalf of Debtor Schulte Properties LLC,
amber@sheismylawyer.com

25 2. By United States Mail, First Class Postage Prepaid:

26

27 • AJA CAMPBELL, LESSOR, 3729
 28 DISCOVERY CREEK AVE,

NORTH LAS VEGAS NV 89031-
 3603

- 1 • ALEXANDRA REIMANN,
LESSOR, 3383 CLOVERDALE CT,
LAS VEGAS NV 89117-3951
- 2 • BILLY OBEDOZA, LESSOR, 5218
MISTY MORNING DR, LAS
VEGAS NV 89118-0600
- 3 • BRENDA TORRES LOPEZ,
LESSOR, 9500 ASPEN GLOW DR,
LAS VEGAS NV 89134-0134
- 4 • CHRIS WIRTA, LESSOR, 2460
AVENIDA CORTES,
HENDERSON NV 89074-6349
- 5 • CHRISTOPHER MARTANO, 1392
ECHO FALLS AVE, LAS VEGAS
NV 89183-6377
- 6 • CLINT FISHER, LESSOR, 956
OSTRICH FERN CT, LAS VEGAS
NV 89183-4050
- 7 • DULCE B. SOLIZ, LESSOR, 6091
PUMPKIN PATCH AVE, LAS
VEGAS NV 89142-0791
- 8 • GREGORY L. WILDE, ESQ.,
TIFFANY AND BOSCO, 212 S
JONES BLVD, LAS VEGAS NV
89107-2657
- 9 • JAMES CRAIG, LESSOR, 9020
FEATHER RIVER CT, LAS
VEGAS NV 89117-2367
- 10 • JESSIE C. GAYTAN, LESSOR,
6091 PUMPKIN PATCH AVE, LAS
VEGAS NV 89142-0791
- 11 • JURIS ORE, LESSOR, 2290
SURREY MEADOWS AVE,
HENDERSON NV 89052-2335
- 12 • KAMI CONSELVA, LESSOR, 5218
MISTY MORNING DR, LAS
VEGAS NV 89118-0600
- 13 • KAREN TAYLOR, LESSOR, 3729
DISCOVERY CREEK AVE,
NORTH LAS VEGAS NV 89031-
3603
- 14 • LINDA REINA, LESSOR, 7873
BRIDGEFIELD LN, LAS VEGAS
NV 89147-5099
- 15 • LUIS LOPEZ, LESSOR, 2614
SWEET LEILANI AVE, NORTH
LAS VEGAS NV 89031-0693
- 16 • MARIA LOPEZ, LESSOR, 2614
SWEET LEILANI AVE, NORTH
LAS VEGAS NV 89031-0693
- 17 • MARY WIRTA, LESSOR, 2460
AVENIDA CORTES,
HENDERSON NV 89074-6349
- 18 • MELANI SCHULTE, 9811 W
CHARLESTON BLVD STE 2-351,
LAS VEGAS NV 89117-7528
- 19 • MICHAELA MARTANO, LESSOR,
1392 ECHO FALLS AVE, LAS
VEGAS NV 89183-6377
- 20 • MONICA MONTERO, LESSOR,
9500 ASPEN GLOW DR, LAS
VEGAS NV 89134-0134
- 21 • NETTIE JOHNSTON, LESSOR,
2290 SURREY MEADOWS AVE,
HENDERSON NV 89052-2335
- 22 • ROBERT LOPEZ, LESSOR, 1528
SPLINTER ROCK WAY, NORTH
LAS VEGAS NV 89031-1617
- 23 • ROSANNA LOPEZ, LESSOR, 1528
SPLINTER ROCK WAY, NORTH
LAS VEGAS NV 89031-1617
- 24 • SANDRA SCHAFER, LESSOR,
3383 CLOVERDALE CT, LAS
VEGAS NV 89117-3951
- 25 • SHAUNA BROGAN, LESSOR,
1624 DESERT CANYON CT, LAS
VEGAS NV 89128-7900
- 26 • BAC HOME LOAN SERVICING,
LP, PO BOX 942019, SIMI
VALLEY CA 93094-2019
- 27 • BAYVIEW LOAN SERVICING,
LLC, 4425 PONCE DE LEON
BLVD FL 5, CORAL GABLES FL
33146-1837
- 28 • CHASE HOME FINANCE, LLC,
3415 VISION DR, COLUMBUS OH
43219-6009

- 1 • CITIMORTGAGE, INC, PO BOX
2 10002, HAGERSTOWN MD 21747-
3 0002
- 4 • CITY NATIONAL BANK, PO BOX
5 60938, LOS ANGELES CA 90060-
6 0938
- 7 • CLARK COUNTY ASSESSOR, 500
8 S GRAND CENTRAL PKWY # 2,
9 LAS VEGAS NV 89155-4502
- 10 • COPPER RIDGE C/O COLONIAL
11 MGMT, PO BOX 63275, PHOENIX
12 AZ 85082-3275
- 13 • CREEKSIDE HOA C/O FIRST
14 RESIDENTIAL, PO BOX 54089,
15 LOS ANGELES CA 90054-0089
- 16 • DAVID PIERCE, 9811 W
17 CHARLESTON BLVD STE 2-279,
18 LAS VEGAS NV 89117-7528
- 19 • EFREN SOTELO, 1401 SMOKEY
20 GLEN CIR, LAS VEGAS NV
21 89110-1313
- 22 • ELDORADO FIRST C/O TERRA
23 WEST PROPERTY, PO BOX
24 80900, LAS VEGAS NV 89180-
25 0900
- 26 • ELISA CHADBOURNE, 5840
27 TUSCAN HILL CT, LAS VEGAS
28 NV 89141-3895
- 1 • FEDERAL HOME LOAN
2 MORTGAGE CORP, 8200 JONES
3 BRANCH DR, MCLEAN VA
4 22102-3107
- 5 • FEDERAL NATIONAL
6 MORGATE ASSOCIATION, 3900
7 WISCONSIN AVE NW,
8 WASHINGTON DC 20016-2806
- 9 • FEDERAL NATIONAL
10 MORTGAGE ASSOCIATION, PO
11 BOX 10002, HAGERSTOWN MD
12 21747-0002
- 13 • FIFTH THIRD BANK MTG LOAN
14 SCV, MD 1MOC FP, 5050
15 KINGSLEY DR, CINCINNATI OH
16 45227-1115
- 17 • FIRST AMERICAN TRUSTEE
18 SERVICING SOLUTIO, 1500
19 SOLANA BLVD STE 6100 BLDG
20 6, WESTLAKE TX 76262-1709
- 21 • GOVERNMENT NATIONAL
22 MORTGAGE ASSOCIATION, 451
23 7TH ST SW RM B-133,
24 WASHINGTON DC 20410-0001
- 25 • GREEN TREE SERVICING LLC -
26 DITECH FIN, PO BOX 6176,
27 RAPID CITY SD 57709-6176
- 28 • GREEN VALLEY RANCH, HOA
1 CO TERRA WEST, PO BOX 94617,
2 LAS VEGAS NV 89193-4617
- 3 • GREENTREE SERVICING LLC,
4 PO BOX 6176, RAPID CITY SD
5 57709-6176
- 6 • INTERNAL REVENUE SERVICE,
7 CENTRALIZED INSOLVENCY
8 OPERATION, PO BOX 7346,
9 PHILADELPHIA PA 19101-7346
- 10 • IRS, INSOLVENCY
11 DEPARTMENT, CINCINNATI OH
12 45999-0023
- 13 • JP MORGAN CHASE BANK, PO
14 BOX 183166, COLUMBUS OH
15 43218-3166
- 16 • LUCY INNUSO, 7413
17 LATTIMORE DR, LAS VEGAS
18 NV 89128-3214
- 19 • MTC FINANCIAL INC DBA
20 TRUSTEE CORP, 3571 RED ROCK
21 ST STE B, LAS VEGAS NV 89103-
22 1256
- 23 • NATIONAL DEFAULT
24 SERVICING CORP, 7720 N 16TH
25 ST STE 300, PHOENIX AZ 85020-
26 7404
- 27 • NETTIE JOHNSTON, 2290
28 SURREY MEADOWS AVE,
1 HENDERSON NV 89052-2335
- 2 • NORTHWEST TRUSTEE
3 SERVICES, INC, 2121 ALTON
4 PKWY STE 110, IRVINE CA
5 92606-4958

- 1 • OCWEN LOAN SERVICING LLC,
PO BOX 24736, WEST PALM
BEACH FL 33416-4736
- 2 • PEBBLE CREEK HOA, 8595 S
EASTERN AVE, LAS VEGAS NV
89123-2823
- 3 • SANDRA SCHAFER, 3383
CLOVERDALE CT, LAS VEGAS
NV 89117-3951
- 4 • SCHULTE PROPERTIES, LLC,
9811 W CHARLESTON BLVD STE
2-351, LAS VEGAS NV 89117-
7528
- 5 • SEASIDE TRUSTEE INC, PO BOX
752377, LAS VEGAS NV 89136-
2377
- 6 • SECRETARY OF STATE, 101 N
CARSON ST STE 3, CARSON
CITY NV 89701-3714
- 7 • SELENE FINANCE LP, PO BOX
421517, HOUSTON TX 77242-1517
- 8 • SETERUS, INC., PO BOX 1077,
HARTFORD CT 06143-1077
- 9 • SHELLPOINT MORTGAGE
SERVICING, PO BOX 740039,
CINCINNATI OH 45274-0039
- 10 • SILVERADO RNCH LMA C/O
FIRST SERVICE RES, PO BOX
54089, LOS ANGELES CA 90054-
0089
- 11 • SUMMERLIN NORTH
COMMUNITY ASSOC, 2120
SNOW TRL, LAS VEGAS NV
89134-6709
- 12 • TD SERVICE COMPANY, 4000 W
METROPOLITAN DR STE 400,
ORANGE CA 92868-3503
- 13 • U.S. TRUSTEE - LV - 11, 300 LAS
VEGAS BLVD S STE 4300, LAS
VEGAS NV 89101-5803
- 14 • UNITED STATES BANKRUPTCY
COURT, 300 LAS VEGAS BLVD
S, LAS VEGAS NV 89101-5833
- 15 • WELLS FARGO HOME
MORTGAGE, PO BOX 7198,
PASADENA CA 91109-7198
- 16 • WEST SAHARA COMMUNITY
HOA C/P FIRST SERV, PO BOX
54089, LOS ANGELES CA 90054-
0089
- 17 • SABLES, LLC, 3753 HOWARD
HUGHES PKWY STE 200, LAS
VEGAS NV 89169-0952
- 18 • CINDY LEE STOCK, SABLES
LLC, 608 S 8TH ST, LAS VEGAS
NV 89101-7005
- 19 • IMAGE FINANCE, LLC, 4751
WILSHIRE BLVD STE 203, LOS
ANGELES CA 90010-3860

20 Dated: 26 July 2017



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AMBERLEA DAVIS
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